SOME

OBSERVATIONS

Upon the Late

TRYALS

OF

Sir GEORGE WAKEMAN, CORKER and MARSHAL, &c.

By *Tom. Tickle-foot* the Taborer, late Clerk to Juſtice *Clodpate.*

——*In tempore dicere verum*
Quis vetat?

LONDON,
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THE Reader may perhaps wonder why I ſhould wave the Employment of Clerking to a *Weſtminſter* Juſtice, who ſeldom are of the wiſeſt; and turn Minſtrel; but upon ſerious thoughts he will reſpect me for my Integrity, and give greater faith to what I ſhall offer now; for to ſay the truth, the methods of my former life were ſo villainous, in order to my Calling, as I could no longer diſpenſe with them; for I was forced to inform my maſter's Worſhip of all the Bawdy-Houſes within his Diſtrict, which by that means were all ſet under Contribution, and

out of their Compoſitions for Enormities I had Poundage, which was all my ſubſiſtance; for his Worſhip engroſſed all the Warrant-Revenue to himſelf, ſo I grew of late melancholy, through the failing of Trade, the private Miſſes driving all before them, that publick Sinners are now of all people the moſt miſerable; ſo I retired ſome time before my Maſter's death, in which Retirement, as Barbers having nothing to do, learn to play on the *Cittern*, I got a ſtroke upon the Pipe and Tabor, by which means I now live very comfortably, yet willing to give the world a Taſte of my old Office of Clerkſhip, I have made theſe following Obſervations.

The firſt part of the Tryal was ſpent in the examination of *Dugdale*, *Prance* and *Fennifon*, to prove the Plot, ſo to obviate the common objection, that it was unreaſonable to believe two men againſt ſo many, upon bare teſtimony without other Circumſtantial Evidence, that was done with ſuch notoriety, as ſatisfied all unprejudiced perſons: amongſt other things it was proved by an undeniable Witneſs, Mr. *Fennifon*, corroborated with notable Circumſtances, that *Ireland* died with a Lye in his Mouth, as by conſequence Sir *John Southcot* and his Lady lives with the ſame veracity, which my old Maſter would have made another kind of uſe on than was made; then was ſome fine Harangues about it to anſwer ſome Objections, yet nothing was reduced to practiſe in the Caſe, during that part of the Tryal in which the Priſoners were but remotely concerned; it may be obſerved, that *Corker* fell into great undecencies of paſſion, againſt the Witneſs *Dugdale*, an argument of Guilt my old Maſter would have ſaid; yet no Inferences nor Reproofs upon it. Now I have given a ſhort, yet true account of what was but preliminary to *Wakeman*'s, and their Tryals, I ſhall go on, Doctor *Oates* proved, that *Wakeman* refuſed ten thouſand pounds, as too little for poiſoning the King, which he termed ſo great a Work, and afterwards did undertake it for five thouſand more, as it was written down in the Entry Book, kept ſometimes at *Wild Houſe*, ſometimes at *Langhorne*'s Chamber; and further, as appeared by the ſaid Entry Book, there was five thouſand pounds paid in part, and a Receit ſubſcribed, *George Wakeman*, which by a comparison of Hands was ſworn to be Sir *George*'s Hand, which Sir *George* ſhifted off by the help of an Apothecary, as he thought well enough; yet granting the Apothecary to ſay true, which is queſtionable too, for they are often ſlippery Chapmen, eſpecially conſidering former Relations: and future hopes, and *Oates* to ſwear true, which no wiſe man will diſpute, there might be two Letters, which Sir *George* would ſtur off, from the improbability of writing two Letters to one thing, and gravely bids the Jury take notice, that he writ but one Letter, he might with the ſame modeſty have adviſed them not to believe a word againſt him, yet little notice taken.

The

The improbability of writing two Letters to one thing seemed to weigh something with the Lord Chief Justice: Though not so with Justice *Pemberton*, who said it might be so, *To serve a turn very well.*

It was proved likewise by Doctor *Oates*, that *Wakeman* had a Commission to be Physician General to the new Army, which my Lord Chief Justice had like to have forgotten.

Amongst other matters, *Bedlow* deposed, that Sir *George Wakeman*, came into *Harcourt*'s Chamber in a Chase, and told him, he knew not whether he should go on or no, *Harcourt* went to his Cabinet, and took out a Bill, and asked Sir *George* if he was ready, Sir *George* said he was, and had been long since, but they were not punctual with him. But what have you there a Bill for two thousand pounds at your service, replyes *Harcourt*; which Bill Sir *George* accepted, and afterward told *Bedlow*, that the Goldsmith had allowed of it, and would pay him in the Afternoon, when *Wakeman* objected, it was not likely he should discover so great a secret upon so small an acquaintance: *Bedlow* replyed, he would have a hundred times more, if *Harcourt* had but told him he was his Confident, as he had done then. *Wakeman* rambled out into a passion, and swore, that he never saw him in all his life, yet *Bedlow* made it out by circumstances, that he had taken Physick of him at the *Bath*; and that acquaintance he did not deny, but called him Rogue, *&c.* Before the Prisoner called his Witness, it may be observed, that the Lord Chief Justice said, that *Bedlow*, the second Witness, said no material thing against *Wakeman*, but only some Circumstantials about a two thousand Bill, but not said for what, some things about the Queen his Lady and Mistress.

Sir *Robert Sawyer* replyed under favour, and began to sum up *Bedlow*'s Evidence, so the Lord Chief Justice seemed not pleased, and answered what is all this? call Mr. *Bedlow* again, to whom he made a godly speech about innocent Blood, and bade him give his evidence anew, who gave what is aboveſaid. Sir *George* replyed, what if the Queen had given me two thousand pounds for my service done her, is that any harm? I have deserved I am sure for nine years Service; yet a little before a protestation before God he never saw *Bedlow*, a likely matter, as if an absolute Stranger should come to the knowledge of such a Money-Circumstance; and agree in the Sum too: *Bedlow* went on, and swore, that *Harcourt* said to Sir *George*, This must be well followed, and closely observed, because much depends upon it: *For if we should miss to kill him at* Windsor, *or you miss in your way, then we will do it at* New-Market. The Lord Chief Justice made *Bedlow* report the words again, which he did, only interposing (Which we hope you will not:) The Lord Chief Justice replyed very modestly, he says now quite another thing; but was contradicted by the Lord Chief Justice *North*, the Recorder, & Sir *Robert Sawyer*, & submitted to it most Christianly.

Then *Bedlow* went on, and ſwore, that Sir *George Wakeman*, in his hearing, declared his conſent; and that it was one entire diſcourſe, upon which the Knight, as well he might, ſaid to the Priſoners, *Then is my buſineſs done*, and he had been a true Prophet, if either Wit or Honeſty had exerciſed a due dominion over the Jury: Now if my old Maſter *Clodpate* had been on the Bench, he would have hung hard upon that expreſſion, as alſo upon Sir *George*'s allowing of two thouſand pounds to be paid for Wages, he would have ſwaggered it, and have ſaid, this is not to be ſaid to us that know the Methods of the Court, never to pay ſo much Wages at a time, they always inſtal ſuch Summs; you might however have brought ſome other authority beſides your ſelf, which can deſerve no credit here, when it is clear by all Circumſtances, you invoked God to witneſs to a Lye, about your never ſeeing *Bedlow* within theſe ten Minutes.

Againſt *Corker*, *Oates* depoſeth, that he ſaw his Patent from *Rome* to be Biſhop of *London*; that he was privy, and did conſent to *Langhorne*'s Propoſal to the *Benedictine* Monks, to advance ſix thouſand pounds towards carrying on his Deſign, his conſent being neceſſary, becauſe he was Preſident; and that *Corker* ſhould ſay further, that he carried on the Deſign under the diſguiſe of beſtowing the Queen's Charity; and that he did except againſt *Pickering* being choſen to kill the King, being that a mere Lay-man was more proper. Mr. *Marſhal* was charged with the ſame thing, and that *Marſhal* went half with *Conyers*, who layed a Wager that the King would eat no more Chriſtmaſs Pyes.

Bedlow depoſed further againſt *Corker*, that he had heard him diſcourſe about raiſing an Army, but nothing poſitively to the Murder of the King. *Bedlow* accuſed *Marſhal* much about that rate; but *Marſhal* not being ſhye of his lip-labour, fell to impertinent queſtioning him, about his knowing him, but was confuted, but not at all aſhamed in his Lyes by Sir *William Waller*, who was ſworn in the Caſe; but *Marſhal* with a company of ſoft words, would have perſwaded Sir *William* that he forſwore himſelf; the Prieſt ſurely loved to hear himſelf prattle, to ſpend ſo much time to the waſting of his credit, about a thing which was not of a Farthing Concern, true or falſe: then he asked *Bedlow* whether he had ever ſeen him before he was taken. Who ſaid, at the *Savoy*. Then with an unheard of impudence he replyed, he would be content to be hanged, if *Bedlow* could prove, that he was ever at the *Savoy*. *Bedlow*, though he had none by to prove that, as perhaps he would have been in the ſame caſe, if he had been to have proved himſelf ever to have been in *Weſtminſter-Hall*, as the L. C. J. intimated; yet he did it by a ſufficient Circumſtance, when he gave Sir *William Waller* directions where to ſearch for the Gun that was to have killed the King, which was found accordingly. This is now the ſubſtance of what the Priſoners, *Wakeman*, *Corker*, *Marſhal* were charged with: the other, *Rumley* had but one Witneſs againſt him, ſo went off on courſe, Sir

George

George now called his Witneſs, the Chief was *Chapman* the Apothecary, of which I have given a former account. Then was his man *Hunt*, and *Elizabeth Henningham* called, who talked at the Apothecary's rate; ſo that *Oates* was not at all contradicted by them, but they might both ſay true, and that the C. J. told them. Then Sir *Philip Loyd* was called upon by Sir *George Wakeman*, to adjuſt what Doctor *Oates* ſhould ſay at the Council Table, who ſaid, but not upon Oath, that when Sir *George* was called in before the Council, and told of his Accuſation, he utterly denyed all, *and did indeed carry himſelf as if he were not concerned at the accuſation*. Then *Oates* was called in to tell what he knew further; for as yet he had given but a hear-ſay evidence (as my old Maſter uſed to term it) he replyed with lift up hands, *God forbid* (*for I muſt tell truth*, ſays Sir *Phil. Lloyd*, *let it be what it will*) *that I ſhould ſay any thing againſt Sir* George Wakeman; *for I know nothing more againſt him*. *Oates* replyed, he knew nothing at all of this. Sir *George* triumphed, and cryed, this is a Proteſtant Witneſs. Now had old Juſtice *Clodpate*, my old Maſter, been upon the Bench, he would have taken up the Knight, and told him, he had given a very officious Teſtimony; for he was to tell only what *Oates* ſaid at that time, and not to pretend to skill in Phyſiognomy; for he was not mealy mouth'd, but would upon occaſion have talked his mind to Knights, or any Body, and would have ſaid further, it appears to me, and may appear to any body elſe, that this Knight has as great a kindneſs for Sir *George*, as for truth, and bidden the Jury have obſerved accordingly; he would not have left there neither, for he would have ſaid, admit Sir *Philip* ſays true, and that is as kind to him as can be, what would Sir *George* infer? that Mr. *Oates* is now tyed up in his Evidence, by no means, for the Caſe is no more than if a man be brought before a Juſtice of Peace for ſtealing a Cow, and that Witneſs makes a ſolemn proteſtation, that he knows no more againſt him, yet afterwards upon his Arraignment ſwears to a Horſe too, in another Bill of Indictment, the former aſſeveration is atteſted by his Worſhip's Clerk, *quare*, whether that will quit him for the Horſe, or ought to be ſo much as heard in a Court? Beſides here has been a late judged Caſe, *Whitebread* and *Fenwick*'s, the Jury was withdrawn for want of full evidence afterwards one of the ſhort came to ſwear home, and was admitted, the Priſoners found, and executed accordingly, if that was right, as no queſtion it was, becauſe practiſed, as I have been informed, it muſt be much more in the right now, to admit of *Oates* his further Teſtimony; for the Council-Table is no Court of Record as this is.

Sir *Thomas Doleman* was called in for *Oates*, who ſaid, that *Oates* at that time was in great diſorder and confuſion, and as feeble as ever he ſaw any body in his life, ſo as he believed he could not give any body a good anſwer; and further ſaid, that *Wakeman* was called in, and gave his Anſwer, at which the Council was amazed,

for

for he did not in his opinion deny it ſo poſitively as one that was innocent could, but ſhuffled matters off with expreſſions of the great Loyalty and Services to the Crown of himſelf, and Family, and required reparation for injury done. It ſeems Sir *Philip* and Sir *Thomas* had different ſentiments about Sir *George* his meene. When Sir *Thomas Doleman* had done, Sir *George* unbidden fell into a repetition of what he had ſaid at the Council Table in his defence, which reſolved only into a telling what a Gowen he had been for the King, what work his Brother made at *Worceſter*, how his Father loſt eighteen thouſand pounds Eſtate for the King, how he was in a Plot for the King, was taken at his *Apothecaries*, ſome Arms found in the Cellar, carried to Priſon, and in much danger of being hanged, and how his Family was mighty inſtrumental in the ſaving of the King, as Colonel *Gifford*, his Cozen *Carlos*, and that the *Pendrels* were menial Servants to the Family.

Then *Corker* was called, who began with a florid diſcourſe reflecting upon the Witneſſes, that they had been men of ſcandalous lives, and that there was no Plot, which he flouriſhed off as well as he could, but not to any reaſonable ſatisfaction; then he came to trifling about going to *Lamſpring* in *Weſtphalia*, and ſuch other ſmall matters; but at laſt he ſaid, he was not Preſident of the *Benedictines*; which was material, had it been well proved, for it obviated Mr. *Oates* his Accuſation of conſenting to the ſix thouſand pounds as Preſident. Then *Marſhal* was called to ſay for himſelf, who made a great pother about a white ſpot under his Perriwig, and Sir *William Waller*'s ordering him to put it off, and many inferences he would have made, and then made a great ſtir about Witneſſes he could have come within three days, and many good morrows to no purpoſe. Then *Corker* called his Witneſs *Nell Rigby*, to prove that he was in the *Savoy* when *Pickering* was taken; and that *Oates* and *Bedlow* did know ſo much: ſhe likewiſe averred, that *Stapleton* was Preſident of the *Benedictines*, and *Corker* never officiated as ſuch, and that ſhe ſaw Mr. *Oates* once in the Houſe, who came a begging to Mr. *Pickering* for charity, and that was in the midſt of the Plot, as was made out by circumſtance, from whence *Marſhal* inferred, it was not likely they ſhould truſt him with any thing of that nature, and ſuffer him to want. This now muſt be a new contrivance, for it would have been ſet up before in *Pickering*'s Tryal, had there been any thing of truth in it. I now wonder, that none from the Bench ſet upon that Bitch-Fox, to run down her teſtimony, for allow that to be true, the *Plot is Non-ſuit*, *Semel inſanivimus omnes*; my old Maſter would have clawed the three penny Baggage, and told her her own, and likewiſe have broke her credit with the Jury, by the circumſtances, that it was never before offered, a thing that they could not be ſo careleſs in, had the thing been true. Now Miſtreſs *Sheldon* was called to prove *Stapleton* Preſident of the *Benedictines*, who accordingly did ſo. Then *Alice Broadhead* did the ſame.

Then

Then Dr. *Oates* was called again, but never examined, he is wiſe that can tell why; without ſome-body was afraid he ſhould have clear'd the Point, as it was formerly in another caſe about Mr. *Howard*'s Son.

Then the Court asked them if they had done all three? Sir *G. Wakeman* fell to a deteſting, forſwearing, and abominating the *Plot*, and that he had never a farthing for any ſuch thing. *Corker* much at that rate: And *Marſhall* made an Harangue, that had it not been for my Lord Chief Juſtice *North*, I believe would have laſted till now; it was all full of proteſtations of the Innocence of the Executed perſons; which were fully anſwered by the Ch. J. *Sc.* Who after ſome little trifling velitations with the Prieſts, ſumm'd up the Evidence. In the firſt part he proved by Mr. *Jeniſon*, as has been hinted before, that *Ireland* dyed with a lie in his mouth.

Now a man would wonder what he ſhould urge that for, unleſs to infer, That if dying men in their laſt breath wou'd lie, why ſhould living perſons be believed under their circumſtances; eſpecially, when a Jury is free by the Law to do what they will without blemiſh in the caſe.

Then the C. J. goes on and ſums up *Oates* his Evidence againſt *Wakeman*, which his Lordſhip leaving or forgetting all the material Points, makes onely circumſtantial: Till Sir *Robert Sawyer* put him in mind of his Commiſſion, ſeen by *Oates*, to be Phyſitian to the new Army; and then his Lordſhip goes on, and allowes that, as likewiſe that he refuſed 10000 l. and would have 15000 to do the Work; but with an unuſual ſweetneſs, leaves *the Truth with the Jury*, and then falls moſt Religiouſly into a declarement againſt ſhedding innocent blood: which he did ſo pathetically, as no man would judge him to be the Son of a Father, who, as Moderns ſay, was not very ſcrupulous in that point.

Then he goes on to Mr. *Bedlow*'s Evidence, and though he ſumm'd it up a little ſhort, yet he makes him a ſecond Witneſs againſt *Wakeman*, if the Jury will believe him. *Now conſidering theſe* [*Ifs*] *were never put before, why the Devil ſhould they now, would Old* Clodpate *have ſaid; and ſo ſay I* Tom Tickle-foot.

And then the Chief Juſt. prayes the Bench in ayd, if he had forgotten any thing material.

Then his Lordſhip was pleaſed to ſay the Evidence againſt *Corker* was not full, ſo as to prove any Fact, but only ſome Words; and that he was not Preſident of the *Benedictines*, his Lordſhip affirmed from the Teſtimony of three Fling-ſtinks, without any manner of hint to the Jury, that they were not upon their Oaths; The Charge againſt *Marſhal*, his Lordſhip ſaid was rather leſs then againſt *Corker*, and ſo accordingly lightened it, as became him.

Then he comes to Sir *Phillip Lloyd*'s Teſtimony, which he laid as great a ſtreſs upon, as it would naturally bear; and ſo as to invalidate any further teſtimony againſt Sir *George Wakeman*, his Lordſhip was pleaſed to name Sir *Thomas Doleman*'s Evidence, but with ſo little reſpect, as he might have, as decently, let it alone: And to invalidate *Oates* his Teſtimony further, he takes notice that he was begging, without intimation to the Jury, of any probability of the matter, which muſt utterly deſtroy Mr. *Oates* for the future; for no body that believes that, can believe any thing he ſayes of the *Plott*. And then after a Pious Exhortation to the Jury to take care of Innocent bloud, he concludes, telling them, *That if they believe* Oates *and* Bedlow, *they may do well to find; otherwiſe not.*

Bedlow charged the Chief Juſtice for not ſummoning up his Evidence right; Who onely replyed, He knew *not by what authority this Man ſpeaks*. I ſhall only make this Obſervation upon his Lordſhip, In all former Tryals he went on without the leaſt heſitation or running the ſame over again, as he did not in this, eſpecially about the concern of innocent bloud: But by all that's good, it was my Old Maſter *Clodpate*'s diſeaſe, peace be with him, alwayes to Sham up an Evidence when any body had bin with him the Morning before.

About an hour after the Jury returned and brought e'm in not guilty; but according to their abundance of want of underſtanding, enquired whether they might not bring e'm in guilty of Miſpriſion or no? Now could ſuch a thing come into their politique pates, had they underſtood what the word meant? for that implyes a knowing of, but not conſenting to a Treaſon. Now there was no manner of colour for ſuch a thing; for the Evidence was full, if they believed them, as to abſolute Treaſon: If not, why would they think of any thing but Acquittal? But it may be they knew not the force of the word, which led them into that Errour; I'm ſure that's their beſt Plea; otherwiſe they muſt yield themſelves to be great betrayers of their Nation, and ly under a damn'd ſuſpition of being fouly practiſed upon; Eſpecially if that be true that runs about in Coffee-Houſes, That a Gentleman, that went out amongſt e'm, had a ſealed Paper of 50 Guineys thruſt into his hand.

They ſay in the *North*, That a Jury conſiſts of Eleven Fools and a Knave. Now thoſe of the *South*, as being more refined Wits, are of a nobler conſiſtence, as having more of the Knave in them. For had they had a mind to have examined matters, and not barely to have acquieſt in outward appearance, they might have conſidered, That *Oates* and *Bedlow* did not ſwear by practice like the Boys of St. *Omers*, from this circumſtance, That *Rumley* had but one Witneſs againſt him. Now had Hanging, and not Truth been the deſigned matter, how eaſie a thing had it been for Captain *Bedlow* to have agreed with Dr. *Oates*, and made

made up two witneſſes againſt *Rumley*, is obvious to every conſidering Capacity, and might have play'd ſuch a prank formerly to have ſerv'd a turn, when they were liſted amongſt the Pope's *Mamalukes*.

It is no ſmall wonder, I confeſs, to *Tom Ticklefoot*, that no body from the Bench nor Barr hinted that Circumſtance; my Old Maſter *Clodpate* would have been hanged before he would have miſſed ſuch a Barn-dore.

I am more particular in this, to the end that circumſtance of their not Combining, may induce Juries for the future, to look upon them, as Men that ſwears onely according to the dictates of Truth, notwithſtanding the Sham Tale of the Doctor's begging at *Pickering's*.

FINIS.